

**MANDATE**

**United States Court of Appeals  
For the First Circuit**

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04-11836  
USDC MA  
Lindsay, R.

No. 07-1476

TRANS-SPEC TRUCK SERVICE, INC.,  
d/b/a TRUCK SERVICE,

Plaintiff, Appellant,

v.

CATERPILLAR INC.,

Defendant, Appellee.

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**JUDGMENT**

Entered: April 30, 2008

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows:  
The district court's grant of summary judgment is affirmed.

**Certified and Issued as Mandate  
under Fed. R. App. P. 41.**

**Richard Cushing Donovan, Clerk**

  
**Deputy Clerk**

**Date:** 6/19/08

By the Court:

/s/ Richard Cushing Donovan, Clerk

cc: Mr. Grunert, Ms. Reimer, Mr. Kenneally, Mr. Samito, & Mr. Campbell.